

AO 398 (1/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Timothy O'Meara

Plaintiff

v.

New Hampshire Supreme Court

Defendant

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Civil Action No. 2012-CV-00182 -PB

Notice of a Lawsuit and Request to Waive Service of a Summons

To: New Hampshire Supreme Court

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you and you, or the entity you represent, may be required to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date 5/15/2012

with ECF Notice attached.

/s/ Daniel J. Mullen

Signature of the attorney or unrepresented party

Daniel J. Mullen

Printed name
Ransmeier & Spellman, PC
1 Capitol Street, PO Box 600
Concord, NH 03302-0600

Address

dmullen@ranspell.com

E-mail address

603-228-0477

Telephone number

AO 399 (1/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

<u>Timothy O'Meara</u> Plaintiff v. <u>New Hampshire Supreme Court</u> Defendant)))) Civil Action No. 2012-CV-00182 -PB
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Waiver of the Service of Summons

To: New Hampshire Supreme Court
(Name of the plaintiff's attorney or unrepresented plaintiff)

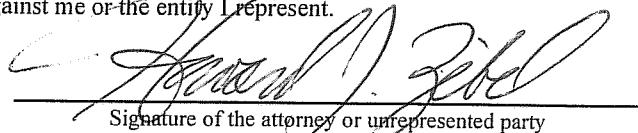
I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from May 16, 2012, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date

5/16/12


Signature of the attorney or unrepresented party

Howard J. Zibel, Esq.

Printed name

New Hampshire Supreme Court
One Charles Doe Drive
Concord, NH 03301

Address

hzibel@courts.state.nh.us

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

Print

**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

IMPORTANT NOTICE

ATTORNEYS REQUIRED TO FILE ELECTRONICALLY

Unless specifically exempted, all documents submitted by members of the bar of this district, as well by attorneys admitted pro hac vice, shall be filed in accordance with the district's Administrative Procedures for Electronic Case Filing ("ECF"). For attorneys, that means that while some limited documents will still be filed in paper format, the vast majority of all future pleadings must be submitted electronically using the court's Electronic Case Filing (ECF) system (including cases involving pro se parties). Pro se litigants, however, are not required to file electronically and may continue to file documents in paper format.

Section 6.1 of the Administrative Procedures for ECF requires that attorneys appearing in an ECF case must obtain a login and password for the ECF system by completing an online ECF Registration Form available on the court's website. If an attorney is already registered in this district, please do not register again as your login and password may be used in all cases in which you are counsel of record.

While ECF Training is not mandatory in this district, persons filing electronically are strongly encouraged to complete the district's interactive training modules on the court's website at www.nhd.uscourts.gov. To access those modules, let your cursor hover on the "Electronic Case Files" link on the left navigation bar on the court's website and then select "ECF Training Material" on the fly away menu. On the training page you should select the link "New Hampshire Computer Based Training Modules."

For more information on CM/ECF visit the court's website.

NOTICE TO PLAINTIFF: You are instructed to serve a copy of this notice on all parties in this case along with the complaint.

JAMES R. STARR
Clerk